

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:13CR396
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
DONALD JAMES WILSON,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report and Addendum ("PSR") and the Defendant's objections and supporting brief (Filing Nos. 109 and 110). The government adopted the PSR (Filing No. 104) and filed a Statement of Position and Request to Present Evidence and Testimony at Sentencing (Filing No. 113). The Defendant has filed a motion for variance and supporting brief (Filing Nos. 108 and 110). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The Defendant's Objection to the Revised Presentence Report (Filing No. 109) will be heard at the sentencing hearing;
2. The government's request to present evidence and testimony during the sentencing hearing is granted;
3. The Court intends to adopt the PSR in all other respects;
4. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

5. Absent submission of the information required by paragraph 4 of this Order, these tentative findings are final;

6. The Defendant's Motion for Variance (Filing No. 108) will be heard at sentencing; and

7. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 14th day of January, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge